

STATEMENT OF BASIS (AI No. 154147)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123463 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: CSN Industries, LLC
2 Canal Street, Suite 2200 World Trade Center
New Orleans, LA 70130

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Yvonne Baker

DATE PREPARED: December 10, 2007

1. PERMIT STATUS**A. Reason For Permit Action:**

First time issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits –
LPDES permit effective date: N/A
LPDES permit expiration date: N/A

D. Date Application Received: October 22, 2007

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - barge and ship cleaning and repair facility**

This facility cleans and repairs barges and ships containing: grain, limestone, rock, meal products, scrap steel, fertilizers, urea, potash, ammonium nitrate, sugar, wood chips, sand, paper, salt, barite, magnesium oxide, cement, iron ore, bauxite, coal, and coke on the Mississippi River and the Intracoastal Waterway.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 4491 and 3731

C. LOCATION - between mile markers 0 and 305 on the Mississippi River in Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Iberville, East Baton Rouge, West Baton Rouge, West Feliciana, Pointe Coupee, and Concordia Parishes and between mile markers 30 and 240 on the Intracoastal

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Waterway in Calcasieu, Cameron, Vermilion, St. Mary, Terrebonne, Iberia, St. Martin, Iberville, West Baton Rouge, Lafourche, Jefferson, Plaquemines, and Orleans Parishes.

Based at: Mississippi River Mile Marker 175 in Darrow, Ascension Parish

3. **OUTFALL INFORMATION**

Outfall 001

Discharge Type: dry commodity barge and ship washwater
Treatment: none
Location: at the point of discharge from the barge/ship being washed
Flow: intermittent
Discharge Route: to the Mississippi River or the Intracoastal Waterway

Outfall 002

Discharge Type: coal and coke barge and ship washwater
Treatment: none
Location: at the point of discharge from the barge/ship being washed
Flow: intermittent
Discharge Route: to the Mississippi River or the Intracoastal Waterway

Outfall 03A

Discharge Type: incoming ballast and void water from customer barges
Treatment: none
Location: at the point of discharge from the customer barge wing/void tanks
Flow: intermittent
Discharge Route: to the Mississippi River or the Intracoastal Waterway

Outfall 03B

Discharge Type: maintenance ballast and void water
Treatment: none
Location: at the point of discharge from the work barge wing/void tanks
Flow: intermittent
Discharge Route: to the Mississippi River or the Intracoastal Waterway

4. **RECEIVING WATERS**

STREAM - Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segments 070201 and 070301

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. drinking water supply

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STREAM - Intracoastal Waterway

BASIN AND SEGMENT - Atchafalaya River Basin, Segment 010803

Barataria Basin, Segment 020801
 Calcasieu River Basin, Segments 031002 and 031101
 Lake Pontchartrain Basin, Segments 041601 and 041703
 Mermentau River Basin, Segments 050602 and 050702
 Vermilion – Teche River Basin, Segments 060804, 060906 and, 061102
 Terrebonne Basin, Segments 120109 and 120304

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. drinking water supply (120109, 120304 only)
- e. oyster propagation (041601, 041703 only)
- f. agriculture (050602, 050702, 120304 only)

5. TMDL STATUS

The discharges from CSN Industries, LLC are to the Mississippi River, Subsegments 070301 and 070201 of the Mississippi River Basin and to the Intracoastal Waterway, Subsegment 010803 of the Atchafalaya River Basin, Subsegment 020801 of the Barataria Basin, Subsegments 031002 and 031101 of the Calcasieu River Basin, Subsegment 041601 and 041703 of the Lake Pontchartrain Basin, Subsegments 050602 and 050702 of the Mermentau River Basin, Subsegments 060804, 060906, and 061102 of the Vermilion – Teche River Basin, and Subsegments 120109 and 120304 of the Terrebonne Basin.

- Subsegments 070301 and 070201 are not listed on LDEQ's Final 2004 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.
- Subsegment 010803 is not listed on LDEQ's Final 2004 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.
- Subsegment 020801 is not listed on LDEQ's Final 2004 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.
- Subsegments 031002 and 031101 are not listed on LDEQ's Final 2004 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.
- Subsegment 041601, Intracoastal Waterway – From Inner Harbor Navigation Canal to Chef Menteur Pass (Estuarine) and Subsegment 041703, Intracoastal Waterway – From Chef Menteur Pass to Lake Borgne (Estuarine), are listed on LDEQ's Final 2004 303(d) List as impaired for pathogen indicators. To date no TMDLs have been completed for these waterbodies. A reopener

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clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Lake Pontchartrain Basin, those suspected causes for impairment which are not directly attributed to the barge cleaning and repair point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated. The discharge from this facility does not include sanitary wastewater therefore; the discharge from this facility does not have the potential to contribute to the pathogen indicator impairments.

- Subsegment 050602, Intracoastal Waterway – From Calcasieu River Basin Boundary to Mermentau River, is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 050602 was previously listed as impaired for organic enrichment/ low DO, suspended solids/turbidity/siltation, nitrate + nitrite as N, ammonia, and phosphorus for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 050602:

Lake Arthur, Grand Lake, and GIWW TMDLs for DO, Nutrients and Ammonia

The TMDL states that only permits with oxygen demanding pollutants were considered for TMDL development. Of those permits considered only Kaplan and Lake Arthur Wastewater Treatment Facilities were big enough to model. This facility was not specifically modeled nor were facilities of similar nature and size modeled. Compliance with the COD limitations placed in this permit should protect the stream from further impairment.

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998)), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a COD limitation. Compliance with the COD limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with Part I of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Part II of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

TMDL for TSS, Turbidity, and Siltation for the Mermentau River Basin

As per the *TMDL for TSS, Turbidity, and Siltation for the Mermentau River Basin*, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required.

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- Subsegment 050702, Intracoastal Waterway – From Mermentau River to Vermilion Locks, is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 050702 was previously listed as impaired for organic enrichment/ low DO, suspended solids/turbidity/siltation, nutrients, ammonia, phosphorus, carbofuran, and mercury (Seventh Ward Canal only) for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 050702:

Lake Arthur, Grand Lake, and GIWW TMDLs for DO, Nutrients and Ammonia

The TMDL states that only permits with oxygen demanding pollutants were considered for TMDL development. Of those permits considered only Kaplan and Lake Arthur Wastewater Treatment Facilities were big enough to model. This facility was not specifically modeled nor were facilities of similar nature and size modeled. Compliance with the COD limitations placed in this permit should protect the stream from further impairment.

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a COD limitation. Compliance with the COD limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with Part I of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Part II of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

TMDL for TSS, Turbidity, and Siltation for the Mermentau River Basin

As per the *TMDL for TSS, Turbidity, and Siltation for the Mermentau River Basin*, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required.

TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion Teche River Basins

This TMDL states that there is only one point source of carbofuran in the Vermilion-Teche Basin. Additionally, this facility is not expected to discharge carbofuran therefore the discharge from this facility should not cause or contribute to the carbofuran impairment.

- Subsegment 060804, Intracoastal Waterway – From Vermilion Lock to one-half mile west of Gum Island Canal, is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 060804 was previously listed as impaired for suspended solids/turbidity/siltation, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right

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to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 060804:

TMDL for TSS, Turbidity and Siltation for the 15 Subsegments in the Vermilion River Basin

Suspended solids/turbidity/siltation are among the effluent characteristics listed for discharges of treated sanitary wastewater, however as per the EPA's TMDL *Siltation for the 15 Subsegments in the Vermilion River Basin*, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required. The discharge for this facility should not cause or contribute to the violation of water quality standards for TSS in the receiving stream.

- Subsegment 060906, Intracoastal Waterway – From New Iberia Southern Drainage Canal to Bayou Sale (Estuarine), is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 060906 was previously listed as impaired for suspended solids/turbidity/siltation and carbofuran for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving waterbodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 060906:

Bayou Teche TSS, turbidity & siltation

As per the *TMDL for TSS, Turbidity, and Siltation for the 15 Subsegments in the Vermilion River Basin*, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required. Therefore, the discharge from this facility should not cause or to contribute to the TSS, turbidity and, siltation impairments.

TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion Teche River Basins

This TMDL states that there is only one point source of carbofuran in the Vermilion-Teche Basin. Additionally, this facility is not expected to discharge carbofuran therefore the discharge from this facility should not cause or contribute to the carbofuran impairment.

- Subsegment 061102, Intracoastal Waterway – From one-half mile west of Gum Island Canal to New Iberia Southern Drainage Canal (Estuarine), is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 061102 was previously listed as impaired for suspended solids/turbidity/siltation and carbofuran for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge

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limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving waterbodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 061102:

TMDL for TSS, Turbidity and Siltation for the 15 Subsegments in the Vermilion River Basin

This TMDL states that point sources do not represent a significant source of TSS as defined in this TMDL. It further states that this TMDL only addresses the landfarm contribution of TSS/sediment and does not address the insignificant point source contributions. Therefore, the discharge from this facility should not cause or contribute to the TSS, turbidity, and siltation impairments.

TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion Teche River Basins

This TMDL states that there is only one point source of carbofuran in the Vermilion-Teche Basin. Additionally, this facility is not expected to discharge carbofuran therefore the discharge from this facility should not cause or contribute to the carbofuran impairment.

- Subsegment 120109, Intracoastal Waterway – From Port Allen Locks to Bayou Sorrel Locks, is listed on LDEQ's Final 2004 303(d) List as impaired for nutrients (EPA - Category 5), organic enrichment/low DO (EPA - Category 5). A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Terrebonne Basin, those suspected causes for impairment which are not directly attributed to the barge cleaning and repair point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

It was determined that the facility does have the potential to discharge pollutants which may contribute to the organic enrichment/low DO and nutrients impairments. Therefore, for the purpose of this permit, COD limits were placed on Outfalls 002, 03A and, 03B.

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a COD limitation. Compliance with the COD limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with Part I of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause

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located in Part II of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

Subsegment 120109 was previously listed as impaired for pathogen indicators on past 303(d) lists, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 120109:

TMDLS for the Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids, Sediment, Total Suspended Solids, and Turbidity for Selected Subsegments in the Terrebonne Basin

This TMDL only lists treated sanitary discharges as contributing to the pathogen indicator impairment. Since this facility does not discharge treated sanitary wastewater its discharge should not cause or contribute to the pathogen indicator impairment.

- Subsegment 120304, Intracoastal Waterway – From Houma to Larose, is listed on LDEQ's Final 2004 303(d) List impaired for nutrients (EPA – Category 5) and organic enrichment/low DO (EPA – Category 5). To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Terrebonne Basin, those suspected causes for impairment which are not directly attributed to the barge cleaning and repair point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

Based on the evaluation of the effluent discharges, it was determined that the facility has the potential to discharge pollutants which may contribute to the organic enrichment/low DO and nutrients impairments of the receiving waterbody. With this in mind, COD limits were placed on Outfalls 002, 03A and, 03B.

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a COD limitation. Compliance with the COD limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with Part I of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further

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evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Part II of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

7. COMPLIANCE HISTORY/COMMENTS

1. WQMD – N/A; initial permit.
2. DMR Review/Excursions – N/A; initial permit.

8. ENDANGERED SPECIES

The receiving waterbodies, Subsegments 070301 and 070201 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, Subsegment 010803 of the Atchafalaya River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, Subsegment 041703 of the Lake Pontchartrain Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Gulf Sturgeon, which are listed as endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon and Gulf Sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

The receiving waterbodies, Subsegment 020801 of the Barataria Basin, Subsegments 031002 and 031101 of the Calcasieu River Basin, Subsegment 041601 of the Lake Pontchartrain Basin, Subsegments 050602 and 050702 of the Mermentau River Basin, Subsegments 060804, 060906 and 061102 of the Vermilion – Teche River Basin and, Subsegments 120109 and 120304 of the Terrebonne Basin, are not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

9. HISTORIC SITES

The discharge is from a proposed facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

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10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for CSN Industries, LLC

1. **Outfall 001: dry commodity barge and ship washwater**

Based on BPJ and on permits for similar facilities, no effluent limitations are established for washwaters from barges previously containing dry commodities including: Grain, Limestone, Rock, Meal Products, Scrap Steel, Fertilizers, Urea, Potash, Ammonium Nitrate, Sugar, Wood Chips, Sand, Paper, Salt, Barite, Magnesium Oxide, Cement, Iron ore, and Bauxite. Best Management Practices (BMPs) for barge operations are listed in Part II.

2. **Outfall 002: coal and coke barge and ship washwater**

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg: Daily Max (mg/l)	<u>Reference</u>
Flow-MGD	Report: Report	LAC 33:IX.2701.I.1.b
COD	250:400	Similar Discharges; BPJ
TSS	Report: Report	Similar Discharges; BPJ
pH	6.0 - 9.0 s.u.	Similar Discharges; BPJ

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: TSS shall be observed once per month and Flow, COD and pH shall be observed once per week at the point of discharge from the barge being washed.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other facilities.

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3. **Outfall 03A:** incoming ballast and void water from customer barges
Outfall 03B: maintenance ballast and void water

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg: Daily Max (mg/l)	<u>Reference</u>
Flow-MGD	Report: Report	LAC 33:IX.2701.I.1.b
COD	---:250	Similar Discharges; BPJ
Oil and Grease	---:15	Similar Discharges; BPJ
pH	6.0 - 9.0 s.u.	Similar Discharges; BPJ

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: Flow, COD, Oil & Grease and pH shall be observed once per week at the point of discharge from the incoming customer barge/vessel.

*The measurement frequency for Outfall 03B for the discharge of maintenance ballast and void water shall be 1/month whenever sampling is required.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other facilities.

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR Part 442, because, in accordance with 40 CFR 442.1.a, "this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos." This facility cleans barges and ships containing dry commodities only. This facility does not clean barges and ships containing chemical, petroleum or food grade cargos as defined in 40 CFR 442.

Storm Water Pollution Prevention Plan (SWP3) Requirement

As per LAC33:IX.2341.B.14.k, stormwater discharges from facilities classified as SIC Codes 4491 and 3731 are considered to be associated with industrial activities and accordingly require SWP3 requirements. However, an SWP3 is not included in the permit because the facility is a water related operation only. Barge BMPs are comparable to the SWP3 requirements; therefore, the barge BMPs will be applied instead.